THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.22862 of 2007

ORAL ORDER:

This writ petition is filed seeking a Mandamus declaring the action of the respondents in not considering the representations of the petitioner dated 15.11.2005, 26.12.2005, 6.2.2006 and 16.10.2006 for payment of annual grade increments from the years 1998 to 2005, benefits of Pay Revision Commission, 1999 and 2006 pay fixation, leave salary from 18.8.1999 to 3.10.2000, prevented summer vacation period salary and balance salary amount after revocation of suspension order.

It appears, vide proceedings dated 2.12.2005 petitioner was suspended from service. He was paid subsistence allowance and thereafter he was reinstated into service pending enquiry into the charges. According to the petitioner, the respondents implemented the scales recommended by the Pay Revision Commission to other employees, but insofar as petitioner is concerned, it was not implemented. In this regard, petitioner made number of representations to the respondents, but there was no response. Hence the writ petition.

The learned counsel for respondents Mr.K.Durga Prasad submits that the scales recommended by the Pay Revision Commission, 2005 have been extended in favour of petitioner and as per the same, he was paid salary upto December 2005 and the bills upto December 2006 are under process.

Whereas the learned counsel for petitioner states that in spite of there being an order passed by the authority concerned as early as on 27.7.2007, neither the arrears upto December, 2006 were paid nor the

petitioner was paid salary as per the revised pay scales, 2005.

Once the scales recommended by the Pay Revision Commission, 2005 have been extended in favour of petitioner, it is not proper on the part of the respondents in denying PRC, 2005 scales from January 2007.

Under those circumstances, the respondents are directed to pay the petitioner the revised scales of PRC 2005 from January 2007 till date. Insofar as suspension period is concerned, the learned counsel for respondents submitted that in view of pendency of enquiry, no decision can be taken at this stage as to whether petitioner is entitled for full salary or not and unless, disciplinary proceedings are concluded, petitioner cannot claim full salary. I am in full agreement with the submissions made by the learned counsel for respondents in this regard. It is for the respondent management to take a decision after conclusion of disciplinary proceedings as to regularizing the period of suspension and payment of salary etc.

The writ petition is accordingly allowed. No order as to costs.

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C.V.RAMULU, J

Date: 2.11.2007

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THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.22862 of 2007

2.11.2007

IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE SRI JUSTICE C.V. RAMULU

W.P.No.22862 of 2007

Date: 2nd November, 2007

Between:

P.Krishna Kumari

.. Petitioner

And

A.P. Social Welfare Residential Educational
Institution Society, rep. by its Secretary,
Telugu Sanskema Bhavan,
Masab Tank, Hyderabad & another.

.. Respondents